

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

FRANK LONG,

Plaintiff,

v.

Case Number 04-10042-BC
Honorable David M. Lawson

MARK ADAMS and SAGINAW
VALLEY NEUROSURGERY, P.C.,

Defendants.

_____ /

ORDER STRIKING DEFENDANTS' PROPOSED JURY INSTRUCTIONS

This matter is before the Court on the defendants' proposed jury instructions. The proposed instructions consist not of language of specifying how the jury might apply the law to facts in this case, but rather of citation to sections of Michigan's Standard Jury Instructions - Civil. Problematic is the fact that these boilerplate instructions provide for optional language and contingencies depending on the particular circumstances of any given case. As a result, the defendants' submission is unhelpful to the Court.

Further, the scheduling order entered in this case specifically provides:

X. At least *ONE WEEK* prior to the trial date all counsel shall furnish to the court the following:

- A. In jury cases, any requests for *VOIR DIRE* and proposed *JOINT JURY INSTRUCTIONS*. In jury cases, the parties are hereby ordered to meet and confer prior to trial to discuss jury instructions. No later than one week prior to the first day of trial, the parties are to file with the court a single set of proposed, stipulated jury instructions. The Court will provide proposed opening and closing instructions, and counsel are responsible for all instructions related to their specific claims or defenses. ***All such instructions are to be submitted in typewritten form (double spaced) and on computer disk compatible with WordPerfect version 9.0; each instruction shall contain references to authority (e.g., "Devitt and Blackmar, Section***

11.08”); and each instruction shall be contained on a separate page. In addition, each party shall separately file any additional proposed instructions (in the same form) to which any other party objects. The parties must make a concerted, good faith effort to narrow the areas of dispute and to discuss each instruction with a view to reaching agreement as to an acceptable form.

(emphasis added). Thus, it appears the defendants have not complied with the provisions of the scheduling order on the proper format and manner of submitting proposed instructions. The Court therefore will strike the defendants’ proposed instructions.

Accordingly, it is **ORDERED** that the defendants’ proposed jury instructions [dkt #41] are **STRICKEN**. The Clerk is directed to remove the image from docket.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: June 8, 2006

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 8, 2006.

s/Tracy A. Jacobs
TRACY A. JACOBS